

Customized FORM PTO-1390

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.

P07140US00/DEJ

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO.

(If known, see 37CFR 1.5)

09/787,710

INTERNATIONAL APPLICATION NO.

PCT/AU99/00826

INTERNATIONAL FILING DATE

27 September 1999

PRIORITY DATE CLAIMED

28 September 1998

TITLE OF INVENTION: APPARATUS AND METHOD FOR AVOIDING OCULAR MUSCULAR FATIGUE

APPLICANT(S) FOR DO/EO/US: LEE

Applicant herewith submits to the US Designated/Elected Office (DO/EO/US) the following items and other information:

- ☐ 1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
 - ☒ 2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
 - ☐ 3. This express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 371(b) and PCT Art. 22 and 39(1).
 - ☐ 4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
 - ☐ 5. A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - ☐ a. is transmitted herewith (required only if not transmitted by the International Bureau).
 - ☐ b. has been transmitted by the International Bureau.
 - ☐ c. is not required, as the application was filed in the United States Receiving Office (RO/US).
 - ☐ 6. A translation of the International Application into English (35 U.S.C. 371(c)(2)).
 - ☐ 7. Amendments to the claims of the International Appln. under PCT Article 19 (35 USC 371 (c)(3))
 - ☐ a. are transmitted herewith (required only if not transmitted by the International Bureau).
 - ☐ b. have been transmitted by the International Bureau.
 - ☐ c. have not been made; however, the time limit for making such amendments had NOT expired.
 - ☐ d. have not been made and will not be made.
 - ☐ 8. A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - ☒ 9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
 - ☐ 10. A translation of the annexes to the Int'l Prelim. Exam. Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11. to 20. below concern document(s) or information included:**
- ☒ 11. An **Information Disclosure Statement** under 37 C.F.R. 1.97 and 1.98.
 - ☒ 12. An **Assignment** document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
 - ☐ 13. A **First preliminary amendment**.
 - ☐ 14. A **Second or Subsequent preliminary amendment**.
 - ☐ 15. A **substitute specification**.
 - ☐ 16. A **change of power of attorney and/or address letter**.
 - ☐ 17. A **computer-readable form of the sequence listing** in accordance with PCT Rule 13ter.2 & 35 USC 1.821-825.
 - ☐ 18. A **second copy of the published international application** under 35 USC 154(d)(4).
 - ☐ 19. A **second copy of the English translation of the international application** under 35 USC 154(d)(4).
 - ☐ 20. **Other items or information:**

☐
☐

☒ A copy of the Notification of Missing Requirements under 35 U.S.C. 371.

☐ In the event that a petition for extension of time is required to be submitted herewith, and in the event that a separate petition does not accompany this response, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time of as many months as are required to render this submission timely. Any fee is authorized in 17(c).

Date: 30 May 2001

U.S. APPLICATION NO. (if known) 09/787,710	INTERNATIONAL APPLICATION NO. PCT/AU99/00826	ATTORNEY DOCKET NO. P07140US00/DEJ
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X 21. The following fees are submitted: <input type="checkbox"/> Basic National Fee (37 CFR 1.492 (a) (1)-(5): <div style="margin-left: 20px;"> <input type="checkbox"/> Neither Int'l Prelim. Exam. fee nor Int'l Search fee paid to USPTO \$1000 <input type="checkbox"/> Search Report has been prepared by the EPO or JPO \$ 860 <input type="checkbox"/> No Int'l Prelim. Ex. fee paid to USPTO but Int'l Search fee paid to USPTO \$ 710 <input type="checkbox"/> International preliminary examination fee paid to USPTO \$ 690 <input type="checkbox"/> Int'l Prelim. Ex. fee paid to USPTO & all claims satisfied PCT Art. 33(1)-(4) \$ 100 </div> <div style="text-align: right; margin-top: 10px;"> ENTER APPROPRIATE BASIC FEE AMOUNT = \$ </div>	CALCULATIONS PTO USE ONLY																
X Surcharge of \$130 for furnishing the oath or declaration later than from the earliest claimed priority date (37 CFR 1.492(e)).	<input type="checkbox"/> 20 mos. \$130.00 <input type="checkbox"/> 30 mos. +																
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">CLAIMS</th> <th style="width: 20%;">NUMBER FILED</th> <th style="width: 20%;">NUMBER EXTRA</th> <th style="width: 40%;">RATE</th> </tr> <tr> <td>Total Claims</td> <td>- 20 =</td> <td></td> <td>X \$18 = \$</td> </tr> <tr> <td>Independent Claims</td> <td>- 03 =</td> <td></td> <td>X \$80 = \$</td> </tr> <tr> <td colspan="3"></td> <td>+ \$270 = \$</td> </tr> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total Claims	- 20 =		X \$18 = \$	Independent Claims	- 03 =		X \$80 = \$				+ \$270 = \$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE														
Total Claims	- 20 =		X \$18 = \$														
Independent Claims	- 03 =		X \$80 = \$														
			+ \$270 = \$														
<input type="checkbox"/> Multiple Dependent Claim(s) (if applicable)																	
TOTAL OF ABOVE CALCULATIONS =		\$ 130.00															
X Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.		\$ 65.00															
SUBTOTAL =		\$ 65.00															
<input type="checkbox"/> Processing fee of \$130 for furnishing the English translation later than from the earliest claimed priority date (37 CFR 1.492(f)).		<input type="checkbox"/> 20 mos. \$ <input type="checkbox"/> 30 mos. +															
TOTAL NATIONAL FEE =		\$ 65.00															
X Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property		+ \$ 40.00															
TOTAL FEES ENCLOSED =		\$ 105.00															
05/04/2001 LLANDGRA 00000002 09787710 01 FC:254 65.00 OP		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; text-align: right;">Amount to be</td> <td style="width: 40%;">Refunded \$</td> </tr> <tr> <td></td> <td>Charged \$</td> </tr> </table>	Amount to be	Refunded \$		Charged \$											
Amount to be	Refunded \$																
	Charged \$																

X a. A check in the amount of \$105.00 to cover the above fees is enclosed. <input type="checkbox"/> b. Please charge my Deposit Account No. 12-0555 in the amount of \$ to cover the above fees. X c. The Commissioner is hereby authorized to charge any additional fees required or credit overpayment to Deposit Account No. 12-0555.	
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Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO: Douglas E. Jackson At the address (below) of CUSTOMER NO. 00881. LARSON & TAYLOR, PLC 1199 NORTH FAIRFAX ST. SUITE 900 ALEXANDRIA, VA 22314	SIGNATURE: <u><i>Douglas E. Jackson</i></u> NAME: Douglas E. Jackson REG. NO.: 28,518 PHONE NO.: 703-739-4900 Date: 30 May 2001
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U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/787710	LEE H	P07140US00/D
INTERNATIONAL APPLICATION NO.		
PCT/AU99/00826		

DOUGLAS E JACKSON
LARSON & TAYLOR
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

RECEIVED

APR 12 2001

I.A. FILING DATE	PRIORITY DATE
27 SEP 99	28 SEP 98

LARSON AND TAYLOR

DATE MAILED:

10 APR 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- | | |
|--|---|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input checked="" type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input checked="" type="checkbox"/> Priority Document. | |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |

2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- | | |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- | |
|--|
| <input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date. |
| <input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation. |
| <input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)). |
| <input checked="" type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. |
| <input type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917. |
| <input checked="" type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). |

4. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☐ PCT/DO/EO/920

Karen Williams

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3688